

REMARKS

In the Office Action dated November 20, 2003, claim 1 was rejected under 35 U.S.C. 102(e) as being anticipated by Goldberg, et al. (US Patent No. 6,400,652, hereinafter "Goldberg").

As amended, claim 1 calls for storing a clip of a media stream at a first time, the clip less than all of a first portion of the media stream, finding the clip in the media stream at a second time later than the first, and storing the first portion of the media stream greater than and including the clip.

At a minimum, Goldberg fails to disclose storing a clip of a media stream at a first time, the clip less than all of a first portion of the media stream. Additionally, Goldberg fails to disclose finding the clip in the media stream at a second time later than the first. For example, Goldberg's audio signal is supplied to a recording buffer 20 where it is delayed for a given number of seconds before being supplied to a recording device 25. 3:15-24. Thus, the entire audio signal is received in the buffer 20. Similarly, the entire audio signal is simultaneously supplied to the speech recognizer 30. *Id.* Thus, recognition takes place at the same time the signal is stored in the buffer. As Goldberg fails to disclose every element of claim 1, Goldberg does not anticipate claim 1 or claims dependent there from.

Claims 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Okitsu (US Patent No. 6,006,005, hereinafter, "Okitsu"). To establish obviousness, "there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant." *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000). Toward this end, particular findings must be provided; broad conclusory statements standing alone are insufficient. *Id.*

It is respectfully submitted that particular findings have not been provided in the Office Action. Rather, conclusions are set forth without a showing of the motivation, suggestion or teaching of the desirability of doing what the applicant has done. Simply identifying in Okitsu an input device 8 used to store a key view from a television program does not in and of itself provide the suggestion or motivation to combine. This is especially true given that Goldberg fails to disclose the recording of a clip from a media stream. As such, it is respectfully submitted

that a *prima facie* case of obviousness has not been established for independent claims 14. Because a *prima facie* case of obviousness has not been established with respect to the aforementioned independent claim, it is respectfully submitted that obviousness has not been established with respect to any of the respective dependent claims.

With reference to the amendments and the remarks above, the Examiner is respectfully requested to reconsider the rejections set forth in the Office Action. The application is believed to be in condition for allowance. The Examiner's furtherance toward this end is appreciated.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (ITL.0788US).

Respectfully submitted,



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